

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KEVIN O'BRIEN, ESQ.,**

*Plaintiff,*

v.

**D. CHRIS COOK, et al.,**

*Defendants.*

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Case No. 20-cv-2406

Judge Algenon L. Marbley

Magistrate Judge Elizabeth A. Preston Deavers

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**MOTION OF DEFENDANTS D. CHRIS COOK, ADOLFO A. TORNICHIO, AND  
PEGGY SCHMITZ TO CORRECT THE DOCKET**

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Defendant Tad A. Herold<sup>1</sup> moves the Court to correct the docket to reflect that he has been dismissed from this action and can thus be terminated from the docket.

On March 3, 2025, the Court granted the Joint and Unopposed Motion to Drop and Dismiss the Board Defendants, and ordered that Defendants D. Chris Cook and Adolfo A. Tornichio are dismissed from the action with prejudice. Doc. 35. The docket thus correctly reflects that D. Chris Cook and Adolfo A. Tornichio are terminated as parties. However, the docket incorrectly reflects that Board Defendant Herold is an active party to this matter.

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<sup>1</sup> As of May 19, 2023, Tad A. Herold was no longer a member of the Board of Professional Conduct panel hearing the matter of *Columbus Bar Association v. Kevin O'Brien*. Defendant Hon. D. Chris Cook was appointed as the panel chair and Board Commissioner Peggy Schmitz was the third panel member. Federal Rule of Civil Procedure 25(d) provides for the automatic substitution of the successor public officer when the named public officer is sued in his or her official capacity and “resigns, or otherwise ceases to hold office while the action is pending.” As a result, the claims against Tad A. Herold in his official capacity were automatically substituted to Peggy Schmitz.

Accordingly, Defendant Herold moves for a correction to the docket to reflect that he has been terminated as a party in this action.

Respectfully Submitted,

/s/ Heather L. Buchanan

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HEATHER L. BUCHANAN (0083032)

Assistant Attorney General

Constitutional Offices Section

30 East Broad Street, 16th Floor

Columbus, Ohio 43215

Tel: 614-466-2872 | Fax: 614-728-7592

Heather.Buchanan@OhioAGO.gov

*Counsel for Defendants D. Chris Cook, Adolfo A.  
Tornichio, and Peggy Schmitz*

**CERTIFICATE OF SERVICE**

I hereby certify that on April , 2025, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Heather L. Buchanan

HEATHER L. BUCHANAN (0083032)